

July 26 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0054

STATE OF MONTANA,

Plaintiff and Appellee,

v.

GLEN D. SPOTTED EAGLE, SR.,

Defendant and Appellant.

**FILED**

JUL 26 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

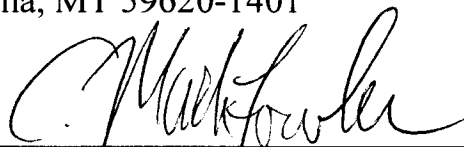
**MOTION FOR EXTENSION OF TIME AND  
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until September 1, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 26th day of July, 2010.

STEVE BULLOCK  
Montana Attorney General  
P.O. Box 201401  
215 North Sanders  
Helena, MT 59620-1401

By:



C. MARK FOWLER  
Assistant Attorney General

STATE OF MONTANA            )  
                                          : ss.  
County of Lewis and Clark    )

I, C. Mark Fowler, being first duly sworn upon my oath, depose and state as follows:

1.     I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2.     The State's brief was first due July 2, 2010. The brief is presently due August 2, 2010. The State has made one previous request for extension.

3.     I am unable to meet the present deadline for filing the State's brief and am requesting an extension of time to September 1, 2010.

4.     I have substantial need for an extension due to my taking sick leave from my office in the last 30 days. In addition to my absences from my office, briefing deadlines in other cases assigned to me have come into conflict with the deadline set in the instant case. During the past 30 days I have drafted the State's briefs in the following cases now pending before this Court:

(a)    State v. Goodenough, Mont. Sup. Ct. Cause No.

DA 09-0201; and,

(b)    State v. Hafner, Mont. Sup. Ct. Cause No. DA 10-0048.

5. In addition to the foregoing, the following workload also necessitates my seeking an extension of the deadline set for filing the State's response brief in the instant case:

(a) State v. Chippewa, Mont. Sup. Ct. Cause No. DA 10-0017.

Appellee's brief due August 5, 2010;

(b) In Re S.F., Mont. Sup. Ct. Cause No. DA 10-0136. Appellee's brief due August 9, 2010;

(c) Weer v. State, Mont. Sup. Ct. Cause No. DA 10-0176.

Appellee's brief due August 12, 2010; and,

(d) State v. Bradley, Mont. Sup. Ct. Cause No. DA 10-0048.

Appellee's brief due August 20, 2010.

6. An extension is necessary in this matter before this Court so I can review properly the entire record and complete an adequate response.

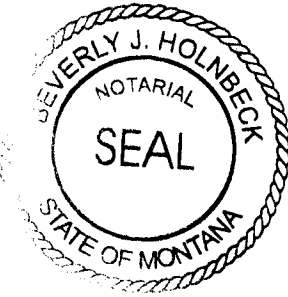
7. While I cannot presently meet the deadline for filing the State's response brief in the instant case without the requested extension, if granted the extension, I will work diligently, and I can complete the matter in the time requested.

8. Opposing counsel has been contacted concerning this motion and does not object.

9. Further your affiant sayeth naught.

  
C. MARK FOWLER

SUBSCRIBED AND SWORN to before me this 26th day of July, 2010.



  
BEVERLY J. HOLNBECK

Notary Public for the State of Montana

Residing at Helena, Montana

My commission expires April 26, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

Mr. Ethan C. Lerman, Esq.  
Lerman Law Firm, PLLC  
P.O. Box 9231  
Missoula, MT 59807-9231

Ms. Gina Dahl  
Hill County Attorney  
315 4th Street  
Havre, MT 59501

DATED: 7-26-10

